

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES LOUIS CRESWELL,

Plaintiff,

vs.

Case No. 11-CV-12492  
HON. GEORGE CARAM STEEH

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Defendant Commissioner filed a motion to dismiss in lieu of filing an answer to plaintiff James Creswell's complaint, seeking review of the final decision of the Commissioner that he was not entitled to a period of disability and Disability Insurance Benefits under Title II of the Social Security Act, and Supplemental Security Income under Title XVI of the Act. Defendant's motion contends that plaintiff failed to file his action within the sixty-day period required by 42 U.S.C. § 405(g). Plaintiff filed a timely response to the motion, and defendant replied.

On September 12, 2011, the magistrate judge issued a report and recommendation recommending that defendant's motion to dismiss be granted. Objections to that report have not been filed by plaintiff within the established time period. The court has reviewed the file, record, and magistrate judge's report and recommendation. The court accepts the report and recommendation, and orders that defendant's motion to dismiss be granted and plaintiff's complaint be dismissed for the

reasons given in the report and recommendation.

Accordingly,

IT IS HEREBY ORDERED that the magistrate's report and recommendation is accepted.

IT IS FURTHER ORDERED that plaintiff's complaint is dismissed for lack of subject matter jurisdiction.

Dated: October 5, 2011

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 5, 2011, by electronic and/or ordinary mail and also to James Creswell at 6167 W. Adams, Belleville, MI 48111.

S/Josephine Chaffee  
Deputy Clerk